

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROSHIA SATO and
NOBUYUKI MUKAI

Application No. 09/909,885



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 24, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the file indicates that an Examiner's Answer was mailed on August 15, 2006. The "Evidence Relied Upon" section omits a reference to "US 7,031,943 (James et al)." However, the Examiner's Answer on page 4 relies, in part, on that reference.

As stated in the Manual of Patent Examining Procedure § 1207.02 Rev. 3 (August 2005) "Contents of Examiner's Answer:"

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) vacate the Examiner's Answer mailed August 15, 2006, and issue a revised Examiner's Answer correcting the information for heading "Evidence Relied Upon" section;
- 2) have a complete copy of the revised Examiner's Answer scanned into the record;
- 3) for such action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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